

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Henry Dingle,

PETITIONER

v.

Warden, McCormick Correctional
Institution

RESPONDENT

Case No. 9:21-cv-01712-TLW

Order

Petitioner Henry Dingle, proceeding *pro se*, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on June 9, 2021. ECF No. 1. Respondent filed a motion for summary judgment on December 22, 2021. ECF No. 30. On February 28, 2022, the magistrate judge to whom this case was assigned issued an Order directing Petitioner to advise the Court whether he wished to continue with his case and to respond to Respondent's summary judgment motion by January 27, 2021. ECF No. 31. Petitioner did not respond.

The matter now comes before the Court for review of the Report and Recommendation (Report) filed by the magistrate judge to whom this case was assigned. ECF No. 33. In the Report, the magistrate judge recommends that Respondent's motion for summary judgment be granted and the petition be dismissed without an evidentiary hearing. Petitioner did not file objections to the Report. This matter is now ripe for decision.

The Court is charged with conducting a *de novo* review of any portion of the Report to which a specific objection is registered, and may accept, reject, or modify,

in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In the absence of objections to the Report, the Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983). In such a case, “a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

The Court has carefully reviewed the Report, the parties’ filings, and the caselaw. In light of Petitioner’s failure to respond to the motion for summary judgment, ECF No. 30, the Court hereby adopts the facts, law, and analysis set forth in Respondent’s comprehensive, detailed memorandum in support of its motion for summary judgment, ECF No. 29. For the reasons stated by the magistrate judge, the Report, ECF No. 33, is **ACCEPTED**. Respondent’s motion for summary judgment, ECF No. 30, is **GRANTED**. This action is hereby **DISMISSED**.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Senior United States District Judge

June 14, 2022
Columbia, South Carolina